

REMARKS/ARGUMENTS

This amendment is in response to the Office Action dated May 18, 2004 and corrects a captioning in the claims to cancel claim 15 per the Amendment filed November 6, 2003.

Applicant wishes to thank the Examiner for her time on a telephone interview conducted on October 8, 2003 in which the inventor Timothy Labadie was present to discuss details of the invention as well as representatives from the CrossCheck corporation who could offer information about the commercial success of this product. I understand that since this time, they have forwarded the following links to a demonstration site and their company.

[http://www.cross-check.com/Demos/CBN\(Still\).swf](http://www.cross-check.com/Demos/CBN(Still).swf)

<http://dev.cross-check.com/CrossCheckNew/CrossCheck/>

While no definitive conclusion with respect to the claims was reached during this interview, the Examiner made a number of helpful comments. I have accordingly submitted amended claims providing for an improved preamble indicating this is an Internet check payment computer system, clarifying the independence of the various computers that are used in the system, providing further definition to the meaning of having products for sale, clearly indicating that the third party bank is independent from the merchant, and that the system operates without the ability to check account balances with the payor bank, an important distinction over the Rowney reference. In addition, these claims can be further distinguished from the Rowney reference based on the portability of the system, which allows for the creation and subsequent printing of a check at virtually any location, the fact that the consumer is anonymous until certain indicia of information is entered into the system and lastly, both the Rowney and Pollin references were contemplated to “improve access to mail order goods and services for those who do not have a credit card”, in contrast to this invention.

In light of these amendments and remarks, it is believed that claims 1 through 4, and 8 through 14, and 16 are now in condition for allowance and allowance is respectfully requested.

Applicant wants to move the prosecution of this case forward as expeditiously as possible given the long prosecution and the fact that a commercial product is currently in use with unresolved patent rights. The Examiner is encouraged to contact the undersigned if

there are additional claim amendments believed to put this case into allowance or if the affidavit of commercial success filed February 8, 2002 should be amended to include recent commercial success figures discussed briefly in the meeting or otherwise modified.

We look forward to an opportunity to schedule another interview if there are any remaining or new issues.

Respectfully submitted,

TIMOTHY LABADIE

By: 

Keith M. Baxter
Reg. No. 31,233
Attorney for Applicant
Quarles & Brady LLP
411 E. Wisconsin Avenue
Milwaukee WI 53202-4497
(414) 277-5719